

REMARKS

Applicants' attorney thanks the Examiner for his comments. One purpose of the invention is to provide a breathable film/nonwoven web laminate in which at least the film, and desirably the entire laminate, is biodegradable. In order for the film to be biodegradable, every film layer should be formed using a biodegradable polymer. Independent Claims 21, 50 and 53 have been amended in order to clarify this feature. Dependent Claims 27, 59 and 60 further require the nonwoven web to be formed using a biodegradable polymer.

The advantage of this feature is self-evident. If only one film layer in a multilayer film is biodegradable, and another film layer is not, the overall film structure may remain essentially intact, and the overall film will not biodegrade. In order for the film to biodegrade, every film layer should be biodegradable. When the film is combined with a nonwoven web to form a laminate, it is similarly advantageous to have every layer of the laminate be biodegradable. The independent claims have also been amended to indicate that the film is a breathable barrier film. Applicants' specification defines "breathable barrier film" as one which has a water vapor transmission rate ("WVTR") of at least about 500 grams/m² 24 hours and is impermeable to liquid water (p. 6, middle paragraph).

The Examiner rejected Claims 21, 22, 24-26, 31, 35-36, 38-42, 44-49, 53-54 and 56-58 under 35 USC § 102(a) as anticipated by Branham et al. (U.S. Patent 6, 621,674). This rejection is respectfully traversed.

Branham et al. discloses a breathable multilayer film including a plurality of first layers and a plurality of second layers. The total number of layers is from 8 to 17,000, preferably from 60-8000 (Col. 2, lines 12-36). Each of the first layers includes a first polymer having a first WVTR. Each of the second layers includes a second polymer having a second WVTR which is less than the first WVTR (Col. 1, lines 40-48).

The first polymer used to form the plurality of first layers is selected from a long list of polymers, a few of which are biodegradable (Col. 5, lines 40-67). The second polymer used to form the plurality of second layers is selected from a shorter list of polymers, which are not biodegradable (Col. 7, lines 1-21). Branham et al. does not disclose a film which includes a biodegradable polymer in every layer, as required by Applicants' claims.

The Examiner rejected Claims 23 and 27 under 35 USC § 103(a) as obvious over Branham et al. in view of Lavon et al. (U.S. Patent 6,050,985). This rejection is respectfully traversed.

As explained above, Branham et al. does not disclose a biodegradable film, i.e. a film in which every layer is biodegradable. Lavon et al. also does not disclose a biodegradable film. Accordingly, the combination of references does not disclose the laminate of independent Claim 21, or dependent Claim 23 or 27. Furthermore, since neither reference is directed to the manufacture of a biodegradable

film or laminate, there would have been no motivation to combine them to achieve the claimed invention.

The Examiner rejected Claim 37, 50-52 and 55 under 35 USC § 103(a) as obvious over Branham et al. in view of Zhao et al. (U.S. Patent 6,514,602). This rejection is respectfully traversed.

As explained above, Branham et al. does not disclose a biodegradable film, i.e. film in which every layer is biodegradable. Zhao et al. discloses a breathable film, useful in a backsheet of an absorbent article, including biodegradable polymers in different layers. However, the film is not stretch-thinned and does not include a filler. Apparently, the breathability to water vapor is achieved by mixing the biodegradable polymer in each layer with a water-soluble polymer (Col. 2, line 60 - Col. 3, line 20). While the disclosed technology would result in a breathable, biodegradable film, the technology is more expensive (and, for this reason, less desirable) than the technology claimed by Applicants. Furthermore, the use of the large percentage of water-soluble polymer would risk premature degradation of the disclosed film when exposed to a liquid insult. For this additional reason, the technology claimed by Applicants is deemed more desirable.

Because of the peculiar difficulties associated with using a water-soluble polymer in a backsheet (outer cover) film, Applicants believe that it would not be feasible to both a) add a particulate filler to the film of Zhao et al., and b) stretch-thin the film, as required by Applicants' claims. Such modification would likely render the

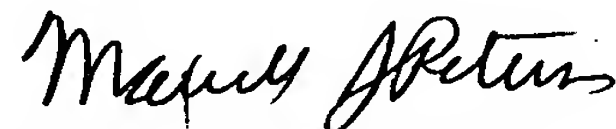
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film liquid-permeable, if it is not liquid permeable already. Applicants' independent claims require a barrier (i.e. liquid impermeable) film which also contains a filler and is stretch-thinned. A person skilled in art would be discouraged by the use of water-soluble polymers, from modifying the film of Zhao et al. in this manner.

Applicants believe that the claims, as now presented, are in condition for allowance. If the Examiner feels that any issues remain unresolved, then Applicants' attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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